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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 DIRECTV, LLC,

8 Petitioner,

9 v.

10 NATHAN HAYNES,

11 Respondent.

NO. 2:19-CV-0023-TOR

ORDER GRANTING PETITION TO
CONFIRM AND ENFORCE
ARBITRATION AWARD

12 BEFORE THE COURT is DIRECTV, LLC's Unopposed Petition for
13 Confirmation and Enforcement of Arbitration Award and for Entry of Final Order
14 and Judgment (ECF No. 1). This matter was submitted for consideration without
15 oral argument. The Court has reviewed the record and files herein, and is fully
16 informed. As discussed below, the Motion is **granted**.

17 Petitioner DIRECTV, LLC, requests the Court confirm and enforce an
18 arbitration order and award issued on September 10, 2018 in JAMS Case No.
19 1160020995, which granted approval to the parties' settlement of Respondent
20 Nathan Hayne's claims under the Fair Labor Standards Act. ECF No. 1 at 1.

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1 Nathan Haynes does not oppose the motion. *See* ECF No. 1-5 (declaration from
2 counsel for Respondent).

3 “To protect the overall purpose of arbitration and avoid any tendency of a
4 court to impute its own strict and rigid practices onto arbitration proceedings,
5 Congress has limited the ability of federal courts to review arbitration awards.”

6 *Schoendube Corp. v. Lucent Techs., Inc.*, 442 F.3d 727, 731 (9th Cir. 2006).

7 Specifically, the Federal Arbitration Act, 9 U.S.C. § 9, provides that “at any time
8 within one year after the award is made any party to the arbitration may apply to
9 the court so specified for an order confirming the award, and thereupon the court
10 must grant such an order unless the award is vacated, modified, or corrected.” *See*
11 *id.* (“We must affirm an order to confirm an arbitration award unless it can be
12 vacated, modified, or corrected as prescribed by the FAA.”).

13 Section 10 provides that a United States court may vacate an award in any of
14 the following cases:

15 (1) where the award was procured by corruption, fraud, or undue means

16 (2) where there was evident partiality or corruption in the arbitrators, or
17 either of them;

18 (3) where the arbitrators were guilty of misconduct in refusing to postpone
19 the hearing, upon sufficient cause shown, or in refusing to hear evidence
20 pertinent and material to the controversy; or of any other misbehavior by
which the rights of any party have been prejudiced; or

1 (4) where the arbitrators exceeded their powers, or so imperfectly executed
2 them that a mutual, final, and definite award upon the subject matter
submitted was not made.

3 9 U.S.C. § 10(a). Section 11 provides that “the United States court in and for the
4 district wherein the award was made may make an order modifying or correcting
5 the award upon the application of any party to the arbitration” in the following
6 cases:

7 (a) Where there was an evident material miscalculation of figures or an
8 evident material mistake in the description of any person, thing, or
property referred to in the award.

9 (b) Where the arbitrators have awarded upon a matter not submitted to them,
10 unless it is a matter not affecting the merits of the decision upon the
matter submitted.

11 (c) Where the award is imperfect in matter of form not affecting the merits
12 of the controversy.

13 9 U.S.C. § 11. The plain language of the statute demonstrates that an award may
14 be modified or corrected *only* “upon the application of any party to the arbitration.”
15 *Id.*

16 Seeing no basis for vacation, modification or correction, Petitioner is entitled
17 to confirmation of the arbitration award.

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1 **ACCORDINGLY, IT IS HEREBY ORDERED:**

2 DIRECTV, LLC's Unopposed Petition for Confirmation and Enforcement of
3 Arbitration Award and for Entry of Final Order and Judgment (ECF No. 1) is
4 **GRANTED.** The "Arbitrator's final Arbitration Award", ECF No. 1-2, is hereby
5 confirmed and the terms incorporated into this Order.

6 The District Court Executive is directed to enter this Order and
7 corresponding judgment, furnish copies to counsel, and close the file.

8 **DATED** April 25, 2019.




THOMAS O. RICE
Chief United States District Judge